

REMARKS

Summary

This Amendment is responsive to the Office Action mailed on July 26, 2007. Claims 12 and 38 are amended. Claim 58 is new. Claims 1-58 are pending. Claims 1-11, 13-18, 24-37, 39-44, and 51-57 are withdrawn.

Claims 12, 19-23, 38, and 45-50 are rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Tamura (US 5,365,458).

Applicants respectfully traverse these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

Claim 12 is amended to include the subject matter of withdrawn claims 6 and 7.

Claim 38 is amended to include the subject matter of withdrawn claim 36.

New claim 58 is dependent on claim 12 and is based on the subject matter of withdrawn claim 8.

It is respectfully submitted that claims 6, 7, 8, and 36 have been withdrawn based on their dependency and not their subject matter. Accordingly, it is respectfully submitted that the addition of the subject matter of these claims into claims 12, 38, and 58 is appropriate and does not circumvent the current election of claims.

Discussion of Tamura

Claims 12, 19-23, 38, and 45-50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tamura. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68

USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Tamura does not meet the requirements for an anticipation rejection.

Tamura does not disclose or remotely suggest a first sensor advancing unit, where the first runout sensor is mounted on the first sensor advancing unit and adapted to be advanced by the first sensor advancing unit toward the rotor in the first direction, or a controller for activating the first sensor advancing unit, the controller using the first runout sensor as a spacing sensor during the advancement of the sensor toward the rotor, as set forth in amended claim 12.

In addition, Tamura does not disclose or remotely suggest using the first runout sensor as a spacing sensor during advancement of the sensor toward the rotor, as set forth in amended claim 38.

Further, the remaining prior art of record does not disclose or remotely suggest advancing the first runout sensor or using the first runout sensor as a spacing sensor during the advancement, as claimed by Applicants.

As Tamura does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc.*, *supra*.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Tamura, taken alone or in combination with any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 1002(b) and 35 U.S.C. § 103(a) are respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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